

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE #

C15-2013-0038

ROW #

10926820

CITY OF AUSTIN

APPLICATION TO BOARD OF ADJUSTMENT

GENERAL VARIANCE/PARKING VARIANCE

TP-0420300421

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 8800 Ampere Trl Austin, TX 78749

LEGAL DESCRIPTION: Subdivision - Maple Run

Lot(s) 11 Block D Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Damon Faigle on behalf of myself/ourselves as authorized agent for

\_\_\_\_\_ affirm that on \_\_\_\_\_, \_\_\_\_\_,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT ☒ ATTACH ☐ COMPLETE ☒ REMODEL ☐ MAINTAIN

a solid fence at 8' at  
the highest point along  
Cortina Drive

in a \_\_\_\_\_ district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

\_\_\_\_\_

\_\_\_\_\_

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

\_\_\_\_\_

\_\_\_\_\_

- (b) The hardship is not general to the area in which the property is located because:

\_\_\_\_\_

\_\_\_\_\_

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

\_\_\_\_\_

\_\_\_\_\_

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

\_\_\_\_\_

\_\_\_\_\_

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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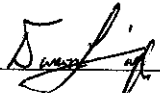
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

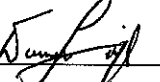
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 8800 Ampezo Trail

City, State & Zip Austin, TX 78749

Printed Damon Faigle Phone 512-506-9954 Date 3/20/2013

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 8800 Ampezo Trail

City, State & Zip Austin, TX 78749

Printed Damon Faigle Phone 512-506-9954 Date 3/20/2013

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:  
The current fence height is too low based on the topography of the land. The home sits on an elevated foundation that is 28.5 inches higher than the ground. This elevation has the house sitting above the 6 foot fence line and giving the homeowner no privacy in the backyard.  
The elevated foundation plot is not consistent with the neighborhood because our home sits in the middle of the hill between the lower and upper parts of the topography causing the builders to build the elevated foundation to make the land level for the home to be built.

**HARDSHIP:**

- 2(a). The hardship for which the variance is requested is unique to the property in that:

The hardship is the fact that the home sits on the elevated foundation plot which is 28.5 inches higher than the ground level. When the home was built, an elevation plot had to be constructed in order for the home builders to have a flat surface to build. The problem is when you walk out of the house and stand on the deck you're then higher than the height of the fence causing our privacy to be non-existent.

- (b). The hardship is not general to the area in which the property is located because:

The home sits in the middle of the hill so in order to make the foundation level, the builders needed to construct an elevated foundation block in order to have a flat surface. There is currently no other home in the neighborhood that sits on a foundation plot which reached 28.5 inches in height. All other homes in the surrounding area are built at ground level.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of the adjacent conforming property and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will add value to the property and will not alter the character. The original 6 foot fence was damaged during a wind storm and is currently being held up by rope.

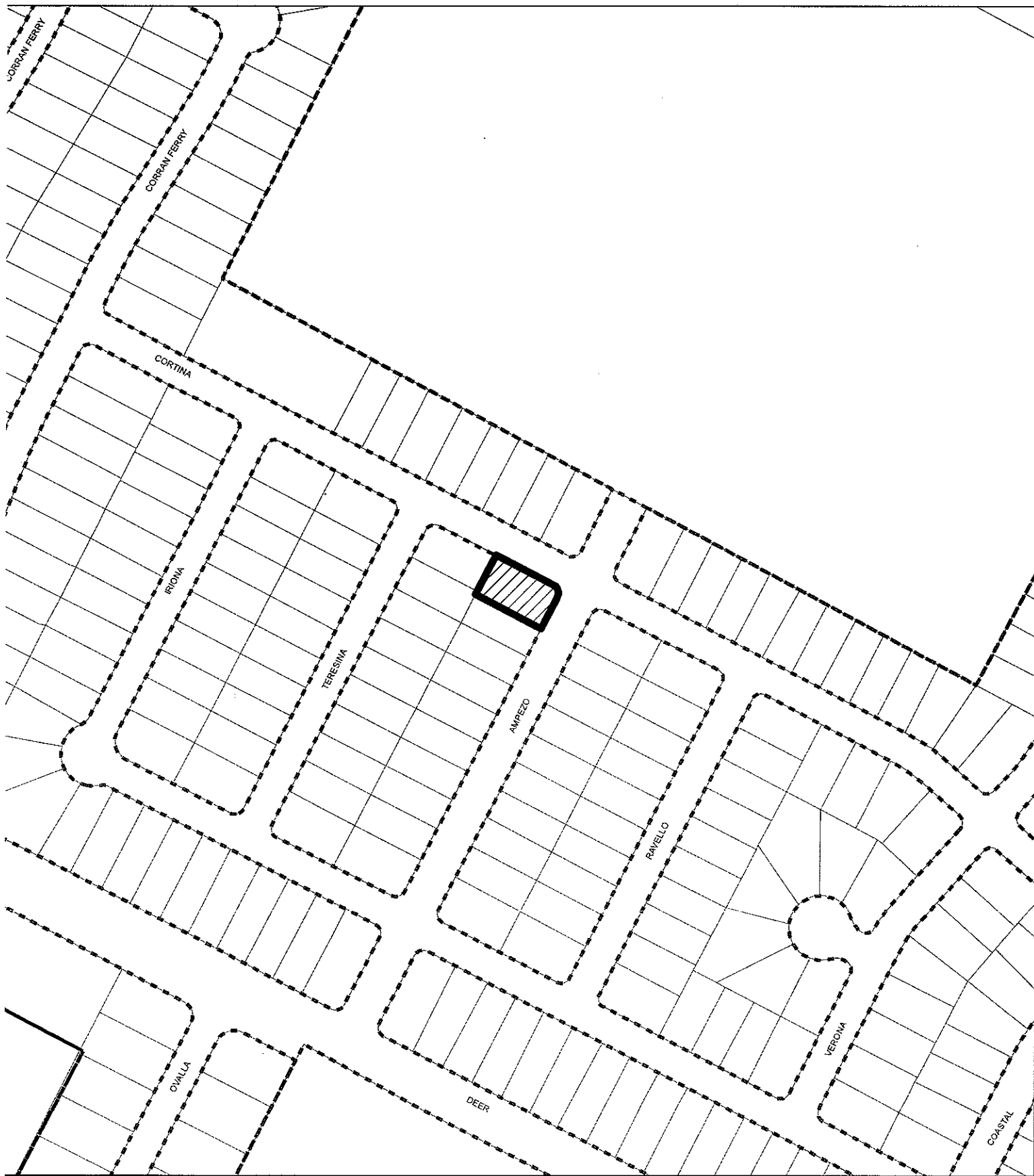
The adjacent property is considered to be owned by the City of Austin because the home is located on a corner lot and the fence is backed up to the street. I have taken pictures of the surrounding area to show the property in its current state.

Thank you for your consideration.

Sincerely,

  
Damon Faigle

March 27, 2013



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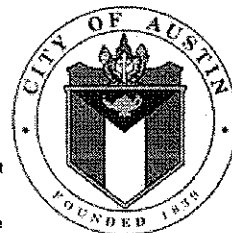


SUBJECT TRACT



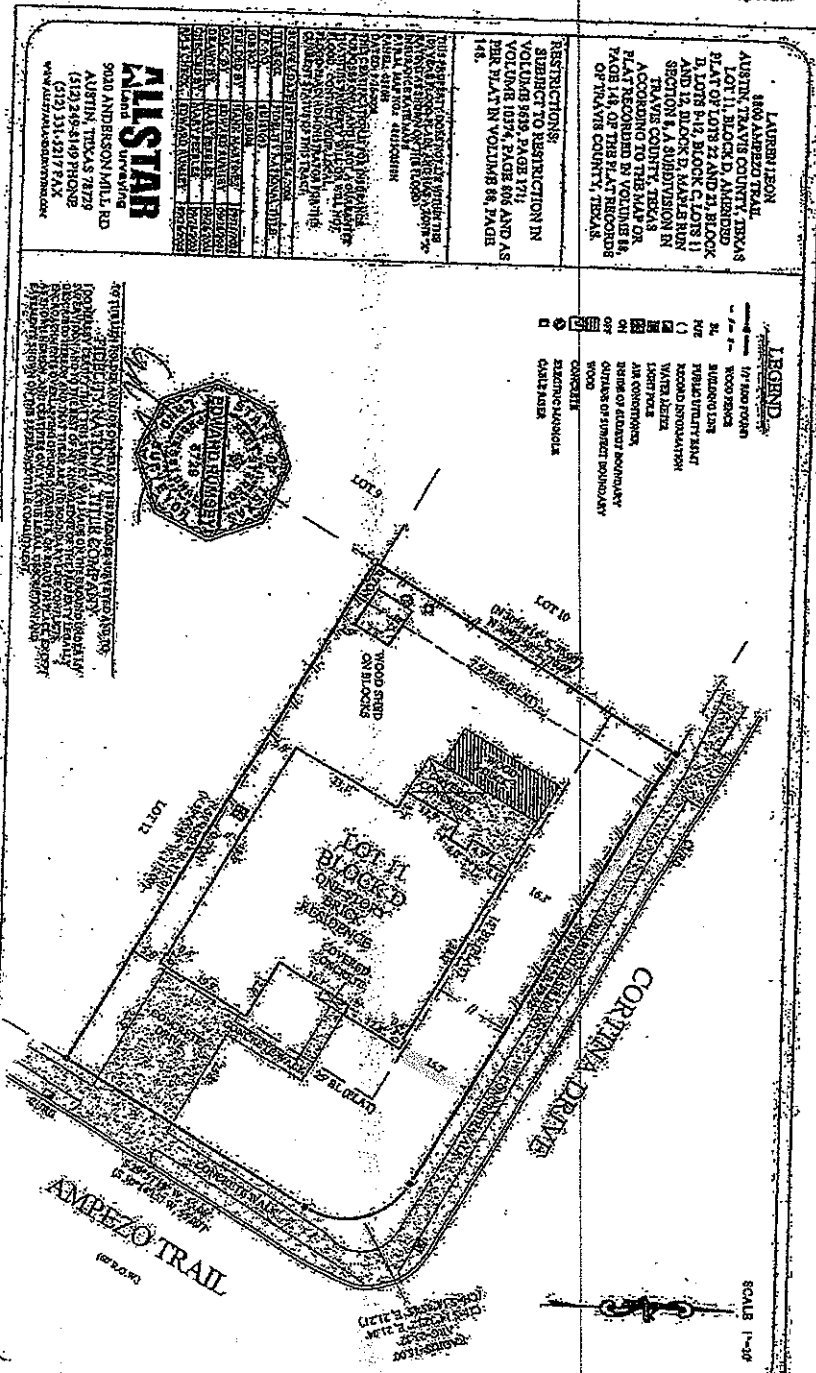
ZONING BOUNDARY

CASE#: C15-2013-0038  
LOCATION: 8800 AMPEZO TRL



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Lauren F. Law